

# **EXHIBIT O**

CIVIL COURT OF CITY OF NEW YORK  
COUNTY OF KINGS HOUSING PART

Index No. L/T

TIVOLI BI LLC

against

CAROL AYALA

*Petitioner (Landlord),*

*Respondent (Tenant)*

**NON-PAYMENT**

**PETITION DWELLING**

Address:

49-57 CROWN STREET  
APT. 4B  
BROOKLYN, NY 11225

THE PETITION OF TIVOLI BI LLC, a N.Y. Limited Liability Corporation alleges, upon information and belief:

1. Petitioner(s) is(are) the landlord(s) and owner of the premises.
2. Respondent(s) CAROL AYALA, is(are) tenant(s) in possession of said premises pursuant to a(n) WRITTEN lease agreement wherein respondents promised to pay to landlord or landlord(s) predecessor as rent \$1,222.00 each month in advance on the 1ST day of each month.
3. Respondent(s) are now in possession of said premises.
4. The premises are the residence of the tenant(s) and the undertenant(s) herein.
5. The premises for which removal is sought was rented for Dwelling purposes and are described as follows:  
All Rooms, Apartment # 4B in the building known as 49-57 Crown Street Brooklyn, NY 11225, situated within the territorial jurisdiction of the Civil Court of the City of New York, County of Kings.
6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$8,355.00 in rent and additional rent as follows:

Apr 22	\$1,222.00
Mar 22	\$1,222.00
Feb 22	\$1,222.00
Jan 22	\$1,222.00
Dec 21	\$1,222.00
Nov 21	\$1,222.00
Oct 21	\$1,023.00

7. The building is exempt from the New York City Emergency Rent Law, and the Rent Stabilization Law of 1969, as amended as it is owned by a Limited Profit Housing Company and organized under Article "2" of the Private Housing Finance Law. The building is supervised by the Department of Housing Preservation and Development. The tenant is a recipient of a subsidy pursuant to 12 USC 1701s; 42 USC 3535(D) and 24 CFR 215.

8. Said rent has been demanded from the tenant(s) by a fourteen day written-notice a copy of which, with affidavit of service, is annexed hereto since same became due and Petitioner has complied with RPL §235-e (d).

9. Respondent(s) have defaulted in the payment thereof and continue in possession of premises without permission after said default.

STELLA-4957-4B

FILE NO: 87262

10. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

**AGENT: ARIANIT JAKUPAJ** 44 West 28th Street New York, NY 10001

44 West 28th Street 6th Floor, New York, NY 10001

**Multiple Dwelling No. 374566**

**WHEREFORE**, Petitioner requests a final judgment against respondent(s) for the rent demanded therein, awarding possession of the premises to the petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession of the premises together with the costs and disbursements of this proceeding.

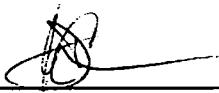
TIVOLI BI LLC,

Dated April 18, 2022

**STATE OF NEW YORK, COUNTY OF NEW YORK**

The Undersigned affirms under penalty of perjury that he is one of the attorneys for the petitioner, that he has read the foregoing petition and knows the contents thereof: that the same are true to his own knowledge except as to matters stated to be upon information and belief: and as to those matters he believes them to be true. The grounds of his belief as to matters not stated upon his knowledge are statements and/or records provided by the petitioner, its agents and/or employees and contained in the file in the attorneys office. \* This verification is made pursuant to the provisions of RPAPL 741. The reason a member of petitioner did not sign this verification is that one was not available at the time this petition was prepared.

Dated: April 18, 2022



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Kevin D. Cullen, Esq.

Cullen & Associates, P.C.  
Attorney for Petitioner-Landlord  
299 Broadway, Suite 1510  
New York, NY 10007  
(212) 233-9772  
nonpayments@cullenpc.com

CIVIL COURT OF CITY OF NEW YORK  
COUNTY OF KINGS HOUSING PART

TIVOLI BI LLC

against

CAROL AYALA

*Petitioner (Landlord),*

Index No. L/T

*Respondent (Tenant)*

Address:

49-57 CROWN STREET  
APT. 4B  
BROOKLYN, NY 11225

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**NOTICE OF ELECTRONIC FILING**  
(Consensual Case)  
(Uniform Rule § 208.4-a)

**You have received this Notice because:**

- o The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York Courts e-filing system, and
- o You are a defendant/Respondent (a party) in this case.

**If you are represented by an attorney:** give this Notice to your attorney (Attorneys: see "Information for Attorneys" pg 2).

**If you are not represented by an attorney:** you are not required to e-file. You may serve and file documents in paper form and you must be served with documents in paper form. However, as a party without an attorney, you may participate in e-filing.

**Benefits of E-Filing**

You can:

- o serve and file your documents electronically
- o view your case file on-line
- o limit the number of trips to the courthouse
- o pay any court fees on-line

There are no additional fees to file, view, or print your case records.

To sign up for e-filing or for more information about how e-filing works, you may:

- o visit [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- o go to the Help Center or Clerk's Office at the court where the case was filed. To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact NYSCEF Resource Center (phone: 646 386-3033; email: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: April 18, 2022

Name	Kevin D. Cullen, Esq.
Firm Name	Cullen & Associates, P.C.
Address:	299 Broadway, Suite 1510 New York, NY 10007
Phone	(212) 233-9772
Email	<a href="mailto:nonpayments@cullenpc.com">nonpayments@cullenpc.com</a>

TO: CAROL AYALA  
49-57 CROWN STREET  
APT. 4B  
BROOKLYN, NY 11225

7/19/19

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EFCIV-3

TRIBUNAL CIVIL DE LA CIUDAD DE NUEVA YORK  
CONDADO DE KINGS: PARTE DE LA VIVIENDA

TIVOLI BI LLC

contra

*Parte Demandante,*

Numero de Indice L/T

CAROL AYALA

*Parte Demandada*

Dirección

49-57 CROWN STREET  
APT. 4B  
BROOKLYN , NY 11225

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**Aviso Presentación Electrónica  
(Causa mutuo acuerdo)**  
(Regla Uniforme §208.4-a)

**Ha recibido este aviso porque:**

- o La parte demandante anteriormente nombrada ha iniciado este caso utilizando el sistema de presentación electrónica de demandas (e-filing) de los Tribunales del estado de Nueva York, y
- o Usted es una de las partes demandadas en esta causa

**Si cuenta con representación legal:** entréguele este aviso a su abogado(a) (Abogados: véase "Información para Abogados" en la segunda página.)

**Si no cuenta con representación legal:** no se le requiere presentar su demanda por medios electrónicos. Podrá presentar y entregar sus documentos impresos. No obstante como una de las partes del caso podrá presentar su causa por medios electrónicos.

**Beneficios de la presentación  
electrónica (e-filing)**

Puede:

- o entregar y presentar sus documentos por medios electrónicos
- o ver su caso en línea
- o limitar sus viajes al tribunal
- o pagar costos judiciales en línea

No hay cobros adicionales para presentar, ver o imprimir el expediente judicial.

Para inscribirse en la presentación electrónica (e-filing) o para más información sobre cómo funciona:

- o visite [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) o
- o Preséntese al centro de ayuda o a la secretaría del tribunal. Para información legal para litigantes por derecho propio visite: [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Información Para Abogados(as)

El(la) abogado(as) que represente a una de las partes de una demanda ya notificada de este aviso debe aceptar o rechazar la presentación y la entrega electrónica de los documentos a través del sistema de presentación electrónica de demandas (e-filing) de los Tribunales del estado de NY (NYSCEF).

Los/las abogados(as) registrados(as) con NYSCEF pueden dar su consentimiento por medio electrónico según las directivas dadas en el sitio web del NYSCEF. Los/las abogados(as) que no están registrados(as) con el NYSCEF con intenciones de participar en la presentación electrónica deberán crear una cuenta y obtener una identificación de usuario y contraseña en [www.nycourts.gov/efile](http://www.nycourts.gov/efile) antes de dar su consentimiento.

Los/las abogados(as) que se nieguen a dar su consentimiento de entrega deben presentar al tribunal y a todo participante un aviso de la declinación de consentimiento.

Para más información sobre la presentación electrónica de demandas o sobre cómo crear una cuenta NYSCEF, visite el sitio web [www.nycourts.gov/efile](http://www.nycourts.gov/efile) o comuníquese con el Centro de Recursos del NYSCEF (teléfono: 646-386-3033; correo electrónico: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Fechado: Abril 18, 2022

Nombre	Kevin D. Cullen, Esq.
Nombre del Bufete de Abogados	Cullen & Associates, P.C.
Dirección:	299 Broadway, Suite 1510 New York, NY 10007
Telefono:	(212) 233-9772
Correo Electrónico:	<a href="mailto:nonpayments@cullenpc.com">nonpayments@cullenpc.com</a>

Para: **CAROL AYALA**  
49-57 CROWN STREET  
APT. 4B  
BROOKLYN , NY 11225

Numero de Indice:

STELLA-4957-4B

FILE NO: 87262

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7/21/20

**FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT  
FOR MATERIAL NON-COMPLIANCE WITH LEASE, PURSUANT TO  
HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT**

March 11, 2022

Tenant(s): **CAROL AYALA**

Premises: **49-57 CROWN STREET  
Apt 4B  
BROOKLYN, NY 11225**

**YOU ARE HEREBY ADVISED** that your undersigned landlord will elect to terminate your tenancy in the event that you fail to cure your monetary default.

Be advised that the termination is based upon your material non-compliance with rental obligations pursuant to your lease. More specifically, said termination is based upon your failure to make timely rental payments to the undersigned Landlord.

As such, your tenancy will be deemed terminated as of **April 15, 2022** in the event you fail to cure your monetary default. If you do not contact and reach an accord with the undersigned Landlord by the above date, the undersigned Landlord will commence a summary proceeding in the **Civil Court of the City of New York, KINGS County** to obtain money and possessory judgments, as well as a warrant for your eviction.

**BE ADVISED** that at all times you have the right to assistance of counsel if you so choose during the course of your defense.

**BE FURTHER ADVISED** that you are justly indebted to the undersigned Landlord in the sum of **\$10,795.00** for the rent of said premises through **March 2022** payment of which must be made by **April 15, 2022** or you must surrender possession of said premises to the undersigned Landlord. This paragraph constitutes a demand for rent under RPAPL §711(2) and runs concurrent with the Federally required notice. An accurate breakdown of the balance due is set forth on page 2 of this notice.

The building is exempt from the New York City Emergency Rent Law, and the Rent Stabilization Law of 1969, as amended as it is owned by a Limited Profit Housing Company and organized under Article "2" of the Private Housing Finance Law. The building is supervised by the Department of Housing Preservation and Development. The tenant is a recipient of a subsidy pursuant to 12 USC 1701s; 42 USC 3535(D) and 24 CFR 215.

FOURTEEN DAY NOTICE TO TENANT  
RENT DEMAND

Dated: March 11, 2022

RE: CAROL AYALA  
49-57 CROWN STREET, Apt 4B  
BROOKLYN, NY 11225

PLEASE TAKE NOTICE that you are justly indebted to the undersigned Landlord in the total sum of \$10,795.00 for rent and additional rent, if any, as set forth below, which you are required to pay on or before 04/15/2022 that being not less than fourteen (14) days from the service of this notice upon you or you must surrender possession of the above referenced premises to the Landlord. If you fail to make complete payment of the rent or surrender possession of the premises within said time period, the Landlord will commence summary proceedings to recover possession of the above referenced premises.

MAR22	\$1222.00
FEB22	\$1222.00
JAN22	\$1222.00
DEC21	\$1222.00
NOV21	\$1222.00
OCT21	\$1222.00
SEP21	\$1222.00
AUG21	\$1222.00
JUL21	\$1019.00

TIVOLI BI LLC

Additional Service and/or Mailings:  
Department of Housing Preservation  
And Development  
100 Gold Street  
New York, NY 10038

TIVOLI BI LLC

Date: 03/11/2022

By Certified Mail

Dear CAROL AYALA

49-57 CROWN STREET  
APT. 4B  
BROOKLYN, NY 11225

RE: Rent not received

Pursuant to the provisions of §235-e(d) of the New York State Property Law, this letter shall serve as notification that the monthly rent due under the terms of your lease, for the months set forth below, have not been received and at least five (5) days elapsed since the date it was due.

March 2022      February 2022      January 2022      December 2021      November 2021      October 2021  
September 2021      August 2021      July 2021

TIVOLI BI LLC

# 128

Index no:

File / Case no:

PETITIONER TIVOLI BI LLC

VS.

RESPONDENT CAROL AYALA  
49-57 CROWN STREET Apt 4B  
BROOKLYN , NY 11225

**State of New York, County of Westchester ss:**

**NESTOR ROMAN**, being duly sworn, deposes and says:

That Deponent is not a party to this proceeding, is a licensed process server over 18 years of age and resides in Warwick, New York.

Deponent was unable to serve **CAROL AYALA** Respondent(s) named in the proceeding by personal delivery at: **49-57 CROWN STREET , APT 4B, BROOKLYN , NY 11225** which is the only Apt 4B at said address, which are the premises sought to be recovered. after two (2) prior attempts at service, which occurred on: **3/25/2022 at 7:28 PM** and on **3/28/2022 at 11:03 AM**

On **3/28/2022 at 11:03 AM** Deponent served the attached **FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT AND DEMAND FOR RENT** by gaining admittance to said premises and delivering to and leaving a true copy/copies thereof for each tenant(s)/occupant(s) personally with **jane doe - ( refused name)** a person of suitable age and discretion, who was willing to receive same and who resided at said premises.

Deponent describes the individual served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT
FEMALE	BRN	BLK	51-65	5'4-5'8	161-200

Name of Individual Served: **JANE DOE - ( REFUSED NAME)**

And on: **3/29/2022** deponent served copies within **FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT AND DEMAND FOR RENT** on each tenant/occupant at the premises sought to be recovered, by depositing a true copy for each named tenant/occupant of the same enclosed in a post paid wrapper, addressed to each tenant at the premises sought to be recovered, in the post office by certified mail and by regular first class mail within the state of New York.

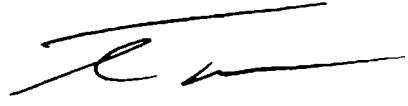
**AND ON 3/29/2022 ADDITIONAL MAILING BY REGULAR AND CERTIFIED MAIL TO:**

DHP, 100 GOLD STREET , , NEW YORK, NY 10038

DHP, 100 GOLD STREET , , NEW YORK, NY 10038

SWORN TO BEFORE ME ON 3/29/2022

  
ALAN ABODY  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AB5014371  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES JULY 15, 2023

  
NESTOR ROMAN  
LIC. # 0932043

B RA10000383884 S1778284

## NOTICE TO RESPONDENT TENANT

DURING THE CORONAVIRUS EMERGENCY,  
YOU MIGHT BE ENTITLED BY LAW TO SPECIAL  
DEFENSES AND PROTECTIONS RELATING TO  
EVICTIONS.

PLEASE CONTACT YOUR ATTORNEY  
IMMEDIATELY FOR MORE INFORMATION.

IF YOU DON'T HAVE AN ATTORNEY, PLEASE  
CALL

718-557-1379

OR VISIT

[www.nycourts.gov/evictions/nyc/](http://www.nycourts.gov/evictions/nyc/)

## AVISO A INQUILINO DEMANDADO

DURANTE LA EMERGENCIA POR CORONA VIRUS, PUEDA QUE POR LEY USTED TENGA DERECHO A DEFENSAS Y PROTECCIONES ESPECIALES RELACIONADAS CON DESALOJOS.

POR FAVOR COMUNIQUESE CON SU ABOGADO INMEDIATAMENTE PARA OBTENER MAS INFORMACIÓN.

SI NO TIENE ABOGADO, LLAME AL

718-557-1379

O VISITE

[www.nycourts.gov/evictions/nyc/](http://www.nycourts.gov/evictions/nyc/)